

# **EXHIBIT A**

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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SHEILA LYONS, DVM and )  
HOMECOMING FARMS INC., )  
Plaintiffs, )  
v. )  
ROBERT GILLETTE, THE BOARD OF )  
DIRECTORS OF THE AMERICAN )  
COLLEGE OF VETERINARY SPORTS )  
MEDICINE AND REHABILITATION, )  
INC. and THE AMERICAN )  
VETERINARY MEDICAL )  
ASSOCIATION, INC., )  
Defendants. )

) Civil Action No. 1:11-cv-12192

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**DECLARATION OF DR. ROBERT L. GILLETTE, DVM, MSE  
IN SUPPORT OF SUMMARY JUDGMENT**

I, Robert L. Gillette, declare and state as follows:

1. I hold a Doctorate of Veterinary Medicine from Kansas State University. I am the former Director of the Animal Health & Performance Program in the College of Veterinary Medicine at Auburn University. I am now in private practice. I am licensed to practice in the states of Alabama and Illinois, to which I have recently relocated.
2. I formerly served on the Board of Directors of the American College of Veterinary Sports Medicine and Rehabilitation (the “College”), a Colorado non-profit. I was the chair of the organizing committee that led to the formation of the College, and I am a past President of that organization.
3. In August 1999, I met the plaintiff, Dr. Sheila Lyons, at the First International Symposium on Rehabilitation and Physical Therapy in Veterinary Medicine, held at Oregon State University. At that meeting, Dr. Lyons and I discussed my past efforts to contact the AVMA for the purposes forming a veterinary specialty college in sports medicine, and we also discussed the possibility of continuing with this effort in the future.

4. After the Oregon conference, Dr. Lyons and I continued to communicate on occasion, and eventually we recruited four other veterinarians and formed an organizing committee (the “Committee”) for the purpose of submitting a Letter of Intent to the AVMA and forming a new specialty college. We began using the name “American College of Veterinary Sports Medicine and Rehabilitation” (“ACVSMR”) at least as early as a meeting in Michigan in 2002, which Dr. Lyons attended. Dr. Lyons and Dr. Clayton asked me to be the chairperson of the Committee.
5. On January 19, 2003, the Committee wrote a letter of intent to the AVMA seeking approval of a specialty to be known as the “American College of Veterinary Sports Medicine and Rehabilitation” (“ACVSMR”). (Complaint at ¶ 81).
6. Prior to May 2004, Dr. Lyons volunteered to draft bylaws and articles of incorporation, as were required by the AVMA’s Policies and Procedures Manual. At a meeting in Chicago in May 2004, she presented a draft of that document.
7. On July 26, 2004, at a meeting in Philadelphia, Pennsylvania, Dr. Lyons was asked to step down from the Committee after questions arose regarding her credentials and fundraising activities. This decision was a group decision made by the rest of the Committee. Dr. Lyons was not asked to resign from the AVMA, and she was not barred from applying for membership in the College once it had been recognized by the AVMA.
8. After July 26, 2004, neither I nor the Committee ever heard from Dr. Lyons again until the recent legal actions. She was not barred from applying for membership in the College once we started accepting applications, but she never applied for membership or contacted us in any way.
9. On September 1, 2004, on behalf of the Committee, I sent a letter to certain individuals who had complained about Dr. Lyons, explaining her then-current relationship with the College. I copied Dr. Lyons on that letter, and she never replied.
10. In 2007, Dr. Larry Dee, who at the time served as the AVMA liaison to the Committee, volunteered to draft a new set of proposed bylaws, based on the bylaws of the American Board of Veterinary Practitioners. This draft was the basis for the bylaws eventually submitted with our AVMA petition.
11. After Lyons left the Committee, the Committee expanded to include new members and continued to work towards the creation of a petition to the AVMA and the recognition of the College. This work included recruiting board members, designing educational materials and drafting many versions of the petition to the AVMA. My veterinarian colleagues and I devoted thousands of hours to this project between 2004 and the College’s provisional recognition by the AVMA in 2010. Nobody has received

compensation from the College or from anyone else for their work on this project. During this time, we had no idea that Dr. Lyons was using the ACVSMR mark or claimed to own it.

12. In November 2008, the Committee submitted a petition to the AVMA.
13. In early 2009, the proposal for the recognition of the College as a new veterinary specialty was submitted by the AVMA for public comment. Lyons did not make any comment. After the Committee submitted additional information and revisions of the petition, the College received provisional recognition by the AVMA in May 2010, and incorporated as non-profit in June 2011.
14. The College administered its first certification test in 2012, and approximately 20 veterinarians passed the test and became certified specialists.
15. The primary purpose of the College is to certify new specialists in the field of veterinary sports medicine and rehabilitation. The only revenue generated by the College consists of annual membership dues, approximately \$350 per member, and fees associated with the certification and testing of new members, approximately \$1350 per new applicant. The College has no office, property or significant assets of any kind. As of the end of November 2012, it had only generated approximately \$57,000 in revenues since it was founded.
16. The College has not engaged in significant fundraising. In connection with the conference of another organization, the American College of Veterinary Surgeons (“ACVS”), the College retained sponsorship commitments from Purina and Nutramax to pay \$10,000 directly to the ACVS. However, the ACVS conference was canceled due to Hurricane Sandy. That conference has not been rescheduled, and the College is unaware whether any of the sponsorship money was paid. In addition, the College has had discussions with Purina about the idea of their funding a scholarship to be administered by a separate non-profit, but nothing has been finalized.
17. In or about 2010, I tried to register the website [www.acvsmr.org](http://www.acvsmr.org) for the College. As a result of this attempt, I learned for the first time that Dr. Lyons had continued to use the ACVSMR name after leaving the Committee.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.



A handwritten signature in black ink, appearing to read "Robert L. Gillette".

Robert L. Gillette

Dated 2-28-2013